

SENATE BILL 78

P1

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(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Veterans Affairs)**

Requested: October 1, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: January 19, 2010

CHAPTER _____

1 AN ACT concerning

2 **Washington Cemetery Board of Trustees**

3 FOR the purpose of abolishing the Washington Cemetery Board of Trustees; providing
4 for the supervision of the Washington Cemetery by the Department of Veterans
5 Affairs; defining a certain term; and generally relating to the Washington
6 Cemetery.

7 BY repealing and reenacting, with amendments,
8 Article – State Government
9 Section 9–906
10 Annotated Code of Maryland
11 (2009 Replacement Volume)

12 BY repealing and reenacting, without amendments,
13 Chapter 213 of the Acts of the General Assembly of 1870
14 Section 1, 2, 9, 10, and 11

15 BY repealing
16 Chapter 213 of the Acts of the General Assembly of 1870
17 Section 4, 5, 7, and 8

18 BY repealing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Chapter 213 of the Acts of the General Assembly of 1870, as amended by
2 Chapter 97 of the Acts of the General Assembly of 1970
3 Section 3 and 6

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article – State Government**

7 9–906.

8 (a) (1) In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**
9 **INDICATED.**

10 (2) “State veterans’ cemetery” means a cemetery that the Department
11 establishes under this section.

12 [(2)] (3) In this section and in § 9–907 of this subtitle, “veteran”
13 means an individual who:

14 (i) served other than dishonorably on active duty in the armed
15 forces of the United States; or

16 (ii) served other than dishonorably as a member of the State
17 militia ordered into active service of the United States by order of the President and
18 was killed in the line of duty.

19 (4) **“WASHINGTON CEMETERY” MEANS THE CIVIL WAR**
20 **CEMETERY GROUNDS AUTHORIZED BY CHAPTER 213 OF THE ACTS OF THE**
21 **GENERAL ASSEMBLY OF 1870.**

22 (b) The Department may establish one or more cemeteries in the State for
23 the burial of veterans and their eligible spouse or dependents as authorized by the
24 Secretary.

25 (c) The Department may accept land, on behalf of the State or a political
26 subdivision of the State, or otherwise acquire land for a State veterans’ cemetery, if
27 the Department has the approval of:

28 (1) the governing body of the county where the State veterans’
29 cemetery is to be located;

30 (2) the delegation in the General Assembly for the county where the
31 State veterans’ cemetery is to be located; and

32 (3) the Board of Public Works.

1 (d) (1) The Department shall maintain and supervise each State veterans'
2 cemetery.

3 (2) The Washington Cemetery [Board of Trustees] shall be under the
4 supervision of the Department.

5 (e) The Department shall provide a plot in a State veterans' cemetery,
6 without charge, to a veteran who meets the requirements of this section.

7 (f) To qualify for a plot in a State veterans' cemetery:

8 (1) the applicant must be a veteran who meets the requirements for
9 burial at a national veterans' cemetery or an eligible spouse or dependent of a veteran
10 who meets the requirements of this subsection; and

11 (2) if a veteran, the veteran must also have been a resident of the
12 State:

13 (i) when the veteran entered the armed forces;

14 (ii) when the veteran died; or

15 (iii) for 2 years, unless, for a reason that the Department finds
16 compelling, the Department waives the time period.

17 (g) To obtain a plot in a State veterans' cemetery, an applicant shall submit
18 to the Department an application on the form that the Department provides.

19 (h) (1) In a plot that is allotted to a veteran, the Department shall bury:

20 (i) the veteran; and

21 (ii) any member of the immediate family who is an eligible
22 spouse or dependent of the veteran if the family member can be buried in a space
23 above or below the veteran or in the next available plot.

24 (2) (i) With each plot, the Department shall provide one grave
25 liner.

26 (ii) For an eligible veteran, the Department shall pay for the
27 grave liner.

28 (iii) For an eligible spouse or dependent, the grave liner shall be
29 paid for by the family or estate.

30 (i) (1) The Department shall bury the veteran without charge.

1 [Sec. 7. AND BE IT ENACTED, That the Board of Trustees shall adopt such
2 by-laws, rules and regulations as they may deem necessary for their government, and
3 for the government of their officers and agents and employees, such by-laws, rules and
4 regulations to be consistent with this Act of Incorporation and the laws. If any State
5 Legislature fail or refuse to make an appropriation, and the same shall be made to the
6 amount of one thousand dollars (\$1,000), by any association, or by individuals, nothing
7 in this Act shall be so construed as to prevent such association or individuals from
8 being represented by a Trustee in the Board; but no State, except Maryland, shall
9 have more than one Trustee.]

10 [Sec. 8. BE IT ENACTED, That the Corporation shall have power to receive
11 appropriations from the United States, from State Legislatures, associations and
12 individuals, and also devises, bequests, gifts, annuities, and all other kinds of
13 property, real and personal, for the purpose of the burial of the dead, enclosing and
14 ornamenting the grounds and maintaining the same, and erecting a monument or
15 monuments therein.]

16 Sec. 9. AND BE IT ENACTED, That the grounds and property of said
17 Cemetery shall be forever free from the levy of any State, County or Municipal tax,
18 and the State of Maryland hereby releases and exempts the Corporation created by
19 this Act from the payment of any tax whatever that might be imposed by existing
20 laws; all the laws of this State now in force, or which may hereafter be enacted for the
21 protection of cemeteries, burial grounds and places of sepulchre, shall apply with full
22 force and effect to this Cemetery hereby incorporated, immediately from and after the
23 passage of this Act.

24 Sec. 10. AND BE IT ENACTED, That the sum of five thousand dollars be and
25 the same is hereby appropriated to carry into effect this Act, which amount shall be
26 paid to the Treasurer of the Corporation upon the warrant of the Governor, in such
27 sums as may be by him deemed necessary. Before any money is paid, it shall be the
28 duty of the Trustees to select a site for the Cemetery, in accordance with this Act, to
29 report the same to the Governor for his approval, stating the price to be paid, and the
30 location, and such other information as the Governor may require.

31 Sec. 11. AND BE IT ENACTED, That this Act shall take effect from the date of
32 its passage.

33 **Chapter 213 of the Acts of 1870, as amended by Chapter 97 of the Acts of 1970**

34 [SECTION 3. AND BE IT ENACTED, That the Secretary of General Services
35 shall appoint three Trustees for the State of Maryland, to serve for three years, and
36 who may be reappointed in the discretion of the Secretary of General Services, and
37 there shall be one Trustee for each of the other States, to be appointed by the
38 Governors of their respective States, and the same are hereby created a body politic, in
39 law, under the style and name and title of the Washington Cemetery, which shall be a
40 part of the Department of General Services, and by that name, style and title shall
41 have perpetual succession, and be able and capable in law to have and use a common

1 seal, to sue and be sued, plead and be impleaded, in all courts of law and equity, and to
 2 whom shall be conveyed in trust, for the purpose above recited, the ground so
 3 purchased; said Trustees shall have all the incidental authority necessary to carry into
 4 effect the object of this corporation.]

5 [SECTION 6. AND BE IT ENACTED, That in case of neglect or failure of the
 6 Governor of any State to fill a vacancy in the Board of Trustees, the Trustees may
 7 supply the place by appointing a citizen of the particular State which is represented in
 8 the Board by reason of such vacancy. It shall be the duty of the Trustees to report to
 9 the Secretary of General Services on the first day of January in each and every year, of
 10 the condition and management of the Cemetery, which report shall contain a detailed
 11 statement of the receipts and expenditures of the Corporation, and a copy thereof shall
 12 be forwarded to the Governor of each State represented in the Corporation. The
 13 expenses incident to the removal of the dead, inclosing and ornamenting the
 14 Cemetery, and all the work connected therewith and its further maintenance, shall be
 15 apportioned among the States connecting themselves with the Corporation according
 16 to the number of dead they may have upon the aforementioned battlefields.]

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 18 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.